

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 ALVARO MEJIA
Deputy Attorney General
4 State Bar No. 216956
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-0083
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

13 **COURTNEY MARIE MOUNT**
14 **a.k.a., COURTNEY MOUNT**

15 Respondent.

CASE No. 2013-667

STATEMENT OF ISSUES

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely
19 in her official capacity as the Executive Officer of the Board of Registered Nursing, Department
20 of Consumer Affairs.

21 2. On or about October 17, 2011, the Board of Registered Nursing ("Board") received .
22 an application for Licensure by Examination for a Registered Nurse License from Courtney Marie
23 Mount, also known as Courtney Mount ("Respondent"). On or about September 20, 2011,
24 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and
25 representations in the application. The Board denied the application on May 14, 2012.

26 **JURISDICTION**

27 3. This Statement of Issues is brought before the Board under the authority of the
28 following laws. All section references are to the Business and Professions Code ("Code") unless
otherwise indicated.

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1 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
2 made suspending the imposition of sentence, irrespective of a subsequent order under the
3 provisions of Section 1203.4 of the Penal Code.”

4 6. Code section 2736 provides, in pertinent part, that the Board may deny a license when
5 it finds that the applicant has committed any acts constituting grounds for denial of licensure
6 under section 480 of that Code.

7 7. Code section 2761 states, in pertinent part:

8 "The board may take disciplinary action against a certified or licensed nurse or deny an
9 application for a certificate or license for any of the following:

10 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

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12 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
13 functions, and duties of a registered nurse, in which event the record of the conviction shall be
14 conclusive evidence thereof.”

15 8. Code section 2762 states, in pertinent part:

16 “In addition to other acts constituting unprofessional conduct within the meaning of this
17 chapter it is unprofessional conduct for a person licensed under this chapter to do any of the
18 following:

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20 “(b) Use any controlled substance as defined in Division 10 (commencing with Section
21 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
22 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
23 himself or herself, any other person, or the public or to the extent that such use impairs his or her
24 ability to conduct with safety to the public the practice authorized by his or her license.

25 “(c) Be convicted of a criminal offense involving the prescription, consumption, or self-
26 administration of any of the substances described in subdivisions (a) and (b) of this section, or the
27 possession of, or falsification of a record pertaining to, the substances described in subdivision (a)
28 of this section, in which event the record of the conviction is conclusive evidence thereof.”

1 **REGULATORY PROVISIONS**

2 9. California Code of Regulations, title 16, section 1444, states in pertinent part:

3 "A conviction or act shall be considered to be substantially related to the qualifications,
4 functions or duties of a registered nurse if to a substantial degree it evidences the present or
5 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
6 safety, or welfare."

7 **FIRST CAUSE FOR DENIAL OF APPLICATION**

8 **(Conviction of a Crime)**

9 10. Respondent's application is subject to denial under Code sections 2761, subdivision
10 (f) and 480, subdivision (a)(1), in that Respondent was convicted of a crime. On or about January
11 3, 2012, after pleading guilty, Respondent was convicted of one misdemeanor count of violating
12 Vehicle Code section 23152, subdivision (b) [driving while having 0.08% and more, by weight,
13 of alcohol in her blood] in the criminal proceedings entitled *The People of the State of California*
14 *v. Courtney Marie Mount* (Super. Ct. Orange County, 2011, No. 11HM15182). The Court placed
15 Respondent on three years probation, with terms and conditions. The circumstances surrounding
16 the conviction are that on or about June 9, 2011, Respondent was contacted during an
17 investigation by Costa Mesa Police Department officers. She was found to be slumped over the
18 vehicle's steering wheel, passed out in the driver's seat, and blocking the number three
19 westbound lane on Adams Avenue. The officers detected an odor of alcohol coming from
20 Respondent while speaking with her. She was observed to have red watery eyes and slurred
21 speech. When asked if she had consumed any alcoholic beverages during the evening,
22 Respondent admitted to drinking two Vodka Sprite mixed drinks. During the booking procedure,
23 Respondent submitted to a blood test that resulted in blood-alcohol content level of .22%.

24 **SECOND CAUSE FOR DENIAL OF APPLICATION**

25 **(Act Warranting Denial of Licensure)**

26 11. Respondent's application is subject to denial under Code section 480, subdivisions
27 (a)(3)(A) and (a)(3)(B), in that Respondent committed acts which if done by a licentiate would be
28 grounds for suspension or revocation of his license, as follows:

1 a. Respondent was convicted of a crime substantially related to the qualifications,
2 functions, or duties of a registered nurse which to a substantial degree evidences her present or
3 potential unfitness to perform the functions authorized by her license in a manner consistent with
4 the public health, safety, or welfare, in violation of Code sections 2761, subdivision (f) and 490,
5 in conjunction with California Code of Regulations, title 16, section 1444. Complainant refers to,
6 and by this reference incorporates, the allegations set forth above paragraph 10, as though set
7 forth fully.

8 b. Respondent used alcoholic beverages to an extent or in a manner dangerous or
9 injurious to herself, another person or the public, in violation of Code section 2761, subdivision
10 (a), as defined in Code section 2762, subdivision (b). Complainant refers to, and by this reference
11 incorporates, the allegations set forth above in paragraph 10, as though set forth fully.

12 c. Respondent was convicted of a crime involving the consumption of alcohol, in
13 violations of section Code 2761, subdivision (a), as defined in Code section 2762, subdivision (c).
14 Complainant refers to, and by this reference incorporates, the allegations set forth above in
15 paragraph 10, as though set forth fully.

16 **PRAYER**

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
18 and that following the hearing, the Board issue a decision:

19 1. Denying the application of Courtney Marie Mount, also known as Courtney Mount
20 for Licensure by Examination as a Registered Nurse; and

21 2. Taking such other and further action as deemed necessary and proper.

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23 DATED: FEBRUARY 22, 2013



24 *for* LOUISE R. BAILEY, M.ED., RN
25 Executive Officer
26 Board of Registered Nursing
27 Department of Consumer Affairs
28 State of California
Complainant

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